

Message Text

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44

ACTION EA-14

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AMCONGEN NAHA

INFO COMUSJ FUCHU JAPAN

CG 313TH AD KADENA OKINAWA

CG USARBCO FORT BUCHNER OKINAWA

CG II MAF CAMP COURTNEY OLINAWA

CG MCG FOR T BUTLER OKINAWA

CINCPAC HONOLULU HAWAII

AMEMBASSY MANILA

C O N F I D E N T I A L TOKYO 14823

E.O. 11652: GDS

TAGS: PGOV, SNAR, JA

SUBJECT: OKINAWA COURT SITUATION

REF: A. NAHA 332 (NOTAL) B. TOKYO 10580 (NOTAL)

C. TOKYO 10698

CINCPAC ALSO FOR POLAD

NAHA PASS DEA

SUMMARY: EMBOFFS MET WITH MINISTRY OF JUSTICE AND FONOFF
OFFICIALS NOV 7 TO DISCUSS OKINAWA COURT SITUATION AND
MEANS FOR EXPEDITING TRIALS INVOLVING AMERICANS. MINISTRY
OF JUSTICES' ASSESSMENT AND CONCLUSIONS ON POSSIBLE WAYS TO
SPEED TRIALS FOLLOW: END SUMMARY.

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1. POL COUNS MET WITH MINISTRY OF JUSTICE OFFICIALS (TAKEI, HEAD GENERAL DIVISION, CRIMINAL AFFAIRS BUREAU, AND PROSECUTOR TOJO) AND FONOFF OFFICIALS (NUMATA, FIRST NA DIVISION AND TAKANO, SECURITY DIVISION) ON NOVEMBER 7 TO DISCUSS JUSTICE MINISTRY REPORT ON OKINAWA COURT SITUATION. (REFTELS).

2. TAKEI FIRST PRESENTED REPORT PREPARED BY SUREME COURT SECRETARIAT COMPARING TRIAL TIME REQUIRED FOR US SERVICEMEN AND DEPENDENTS (USSD) IN OKINAWA WITH NATIONAL AVERAGES FOR JAPANESE AND FOREIGNERS (INCLUDING US). RESULTS AS FOLLOWS: A) OF CRIMINAL CASES INVOLVING USSD IN OKINAWA FROM JANUARY TO JUNE 1973, 71 PERCENT (41 CASES) WERE RESOLVED IN LESS THAN SIX MONTHS: 29 PERCENT (25 CASES) REQUIRED SIX TO TEN MONTHS. NATIONAL AVERAGE: 26.2 PERCENT REQUIRED SIX MONTHS TO YEAR, 9.2 PERCENT REQUIRED OVER YEAR OR OF TOTAL 35.4 PERCENT REQUIRED OVER MONTHS. B) OF TOTAL 126 CASES INVOLVING USSD PENDING BEFORE NAHA COURTS AS OF END JULY 1973 NONE PENDING OVER ONE YEAR, TWO PENDING OVER NINE MONTHS, AND 23 (18.5 PERCENT) PENDING OVER SIX MONTHS. NATIONAL AVERAGE: 47.1 PERCENT PENDING OVER SIX MONTHS. C) IN NAHA FAMILY COURTS (PERSONS TO AGE 20) FROM REVERSION, MAY 15, 1973, TO END OF 1973, OF TOTAL 44 CASES, DECISION REACHED ON 33 WITHIN ONE MONTH, DECISION ON TEN OTHERS IN THREE TO SIX MONTHS, DECISION ON ONE CASE (BENJAMIN) LONGER BECAUSE OF PSYCHI-ATRIC EXAMINATION REQUIRED. NATIONAL AVERAGE: .93 MONTHS OR ABOUT ONE MONTH.

3. IN EVALUATING THE ABOVE STATISTICS, TAKEI SAID THAT MINISTRY OF JUSTICE'S OVERALL IMPRESSION WAS THAT TIME REQUIRED FOR USSD CASES WAS NOT EXCEEDINGLY LONG, SOMEWHAT LESS IN MOST CASES THAN THOSE INVOLVING JAPANESE. A FEW EXCEPTIONS INVOLVING FOREIGNERS REQUIRED LENGTHY TIME TO COMPLETE. PROBLEM OF DELAYS HAS RESULTED FROM FOLLOWING SEVERAL PROBLEMS:

A) CONFUSION AS A RESULT OF REVERSION.
B) THE COURTS HAD TO REVIEW CASES WHICH WERE CARRIED OVER FROM PRE-REVERSION PERIOD.
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C) PROSECUTORS AND POLICE WERE NOT ACCUSTOMED TO HANDLING CASES INVOLVING FOREIGNERS.

D) SHORT SUPPLY OF ATTORNEYS WHO CAN HANDLE FOREIGN CASES, COMPOUNDED BY PROBLEM OF FEW ATTORNEYS BEING ABLE TO SPEAK ENGLISH. THIS PROBLEM RESULTS IN DELAYS FROM TIME OF INDICTMENT TO TIME OF FIRST HEARING OF FROM 3-5

MONTHS. IN ONE EXTREME CASE A MAN WAS INDICTED ON NOVEMBER 30, 1972. BECAUSE OF DELAYS IN SELECTING AN ATTORNEY UNTIL MAY 1, 1973, THE FIRST HEARING WAS NOT CONDUCTED UNTIL JUNE 20, 1973.

E) SHORTAGE OF COMPETENT COURT INTERPRETERS AND TRANSLATORS.

4. TAKEI THEN DISCUSSED DEVELOPMENTS OVER PAST YEAR. COURTS AND POLICE ARE BECOMING ACCUSTOMED TO HANDLING CASES INVOLVING FOREIGNERS. AS EVIDENCED HE CITED FOLLOWING:

NUMBER OF CASES PENDING AT END OF DECEMBER 1972 INVOLVED 100 USSD OFFENSES; AT END OF APRIL 1973 USSD OFFENSES PENDING TOTALED 192; THEREAFTER NUMBER BEGAN TO GRADUALLY DECLINE; MAY 187; JUNE 179; JULY 151. THIS TREND SEEMS LIKELY TO CONTINUE. IN ADDITION, TAKEI SAID PROSECUTORS, JUDGES AND POLICE IN NAHA ARE DISCUSSING WAYS TO EXPEDITE CASES INVOLVING FOREIGNERS.

5. IN ADDITION TAKEI INDICATED THAT FOLLOWING SPECIAL MEASURES TAKEN TO EXPEDITE CASES INVOLVING FOREIGNERS.

A) SINCE MAJORITY OF CASES INVOLVING USSD ARE NARCOTICS OFFENSES (160 HARD DRUGS AND 31 MARIJUANA OF TOTAL 256), MINISTRY OF JUSTICE ASSIGNED EXTRA SPECIALISTS IN NARCOTICS CASES IN OGINAWA, SEVERAL TIMES GREATER THAN NUMBER ASSIGNED FOR OTHER OFFENSES IN OTHER AREAS OF JAPAN.

B) PROSECUTOR'S OFFICE AND ATTORNEYS IN NAHA ESTABLISHED LIAISON COMMITTEE TO STUDY ALL ASPECTS OF PROBLEM.

6. POL COMS EMPHASIZED THAT MAJOR PART OF OUR CONCERN
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WAS OVER NARCOTICS CASES. SLOWNESS OF COURT PROCEDURES TENDED TO VITATE DETERRENT EFFECT OF SWIFT AND FIRM PROSECUTION. HE NOTED THAT SPECIAL COURTS SET UP IN US AND SPEEDY TRIALS HAVE H
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